

FIRST REGULAR SESSION

HOUSE BILL NO. 464

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HIGDON (Sponsor), HAMPTON, FITZWATER, RICHARDSON, JONES (50), HOUGH, ROWLAND, WIELAND, BROWN, PHILLIPS, WALKER, MAYFIELD, SHUMAKE, LAUER, HOSKINS, LAIR, WILSON, PIKE, FRANKLIN, HANSEN, HINSON, RIZZO, MUNTZEL, KRATKY, CONWAY (10), ROORDA, COLONA, FRAKER AND BAHR (Co-sponsors).

0647H.021

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 57.010, 57.104, 57.280, 57.317, 143.782, 221.105, 313.321, and 488.5320, RSMo, and to enact in lieu thereof fourteen new sections relating to sheriffs, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 57.010, 57.104, 57.280, 57.317, 143.782, 221.105, 313.321, and
2 488.5320, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known
3 as sections 57.010, 57.104, 57.280, 57.282, 57.317, 143.782, 143.793, 221.102, 221.105,
4 221.123, 221.125, 221.127, 313.321, and 488.5320, to read as follows:

57.010. 1. At the general election to be held in 1948, and at each general election held
2 every four years thereafter, the voters in every county in this state shall elect some suitable
3 person sheriff. No person shall be eligible for the office of sheriff who has been convicted of a
4 felony. Such person shall be a resident taxpayer and elector of said county, shall have resided
5 in said county for more than one whole year next before filing for said office and shall be a
6 person capable of efficient law enforcement. When any person shall be elected sheriff, such
7 person shall enter upon the discharge of the duties of such person's office as chief law
8 enforcement officer of that county on the first day of January next succeeding said election.

9 2. [Beginning January 1, 2003, any] **No person shall be eligible for the office of** sheriff
10 who does not hold a valid peace officer license pursuant to chapter 590 [shall refrain from
11 personally executing any of the police powers of the office of sheriff, including but not limited
12 to participation in the activities of arrest, detention, vehicular pursuit, search and interrogation.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 Nothing in this section shall prevent any sheriff from administering the execution of police
14 powers through duly commissioned deputy sheriffs]. **Any person filing for the office of sheriff**
15 **shall have a valid peace officer license at the time of filing for office.** This subsection shall
16 not apply[:

17 (1) During the first twelve months of the first term of office of any sheriff who is eligible
18 to become licensed as a peace officer and who intends to become so licensed within twelve
19 months after taking office, except this subdivision shall not be effective beginning January 1,
20 2010; or

21 (2)] to the sheriff of any county of the first classification with a charter form of
22 government with a population over nine hundred thousand **or of any city not within a county.**

57.104. 1. The sheriff of any county [of the first classification not having a charter form
2 of government] may employ an attorney at law to aid and advise him in the discharge of his
3 duties and to represent him in court. The sheriff shall set the compensation for an attorney hired
4 pursuant to this section within the allocation made by the county commission to the sheriff's
5 department for compensation of employees to be paid out of the general revenue fund of the
6 county.

7 2. The attorney employed by a sheriff pursuant to subsection 1 of this section shall be
8 employed at the pleasure of the sheriff.

57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order
2 of court, in connection with any civil case, and making on the same either a return indicating
3 service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be
4 served, except that a sheriff shall receive a charge for service of any subpoena, and making a
5 return on the same, the sum of ten dollars; however, no such charge shall be collected in any
6 proceeding when court costs are to be paid by the state, county or municipality. In addition to
7 such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any
8 summons, writ, subpoena or other order of court the rate prescribed by the Internal Revenue
9 Service for all allowable expenses for motor vehicle use expressed as an amount per mile,
10 provided that such mileage shall not be charged for more than one subpoena or summons or
11 other writ served in the same cause on the same trip. All of such charges shall be received by
12 the sheriff who is requested to perform the service. Except as otherwise provided by law, all
13 charges made pursuant to this section shall be collected by the court clerk as court costs and are
14 payable prior to the time the service is rendered; provided that if the amount of such charge
15 cannot be readily determined, then the sheriff shall receive a deposit based upon the likely
16 amount of such charge, and the balance of such charge shall be payable immediately upon
17 ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service
18 in any action or proceeding, other than when court costs are waived as provided by law, until the

19 charge provided by this section is paid. Failure to receive the charge shall not affect the validity
20 of the service.

21 2. The sheriff shall receive for receiving and paying moneys on execution or other
22 process, where lands or goods have been levied and advertised and sold, five percent on five
23 hundred dollars and four percent on all sums above five hundred dollars, and half of these sums,
24 when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall
25 not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney.
26 The party at whose application any writ, execution, subpoena or other process has issued from
27 the court shall pay the sheriff's costs for the removal, transportation, storage, safekeeping and
28 support of any property to be seized pursuant to legal process before such seizure. The sheriff
29 shall be allowed for each mile, going and returning from the courthouse of the county in which
30 he resides to the place where the court is held, the rate prescribed by the Internal Revenue
31 Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The
32 provisions of this subsection shall not apply to garnishment proceeds.

33 3. The sheriff upon the receipt of the charge herein provided for shall pay into the
34 treasury of the county any and all charges received pursuant to the provisions of this section. The
35 funds collected pursuant to this section, not to exceed fifty thousand dollars in any calendar year,
36 shall be held in a fund established by the county treasurer, which may be expended at the
37 discretion of the sheriff for the furtherance of the sheriff's set duties. Any such funds in excess
38 of fifty thousand dollars in any calendar year shall be placed to the credit of the general revenue
39 fund of the county. Moneys in the fund shall be used only for the procurement of services and
40 equipment to support the operation of the sheriff's office. Moneys in the fund established
41 pursuant to this subsection shall not lapse to the county general revenue fund at the end of any
42 county budget or fiscal year.

43 4. Notwithstanding the provisions of subsection 3 of this section to the contrary, the
44 sheriff shall receive ten dollars for service of any summons, writ, subpoena, or other order of the
45 court included under subsection 1 of this section, in addition to the charge for such service that
46 each sheriff receives under subsection 1 of this section. The money received by the sheriff under
47 this subsection shall be paid into the county treasury and the county treasurer shall make such
48 money payable to the state treasurer. The state treasurer shall deposit such moneys in the deputy
49 sheriff salary supplementation fund created under section 57.278.

50 **5. Sheriffs shall receive a fee of ten dollars for every civil case filed in the county.**
51 **Except as otherwise provided by law, all fees collected pursuant to this subsection shall be**
52 **collected by the court clerk as court costs and are payable at the time of filing. The court**
53 **clerk shall pay into the treasury of the county any and all fees collected pursuant to this**
54 **subsection. The county treasurer shall make such money payable to the state treasurer.**

55 **The state treasurer shall deposit such moneys in the sheriff salary supplementation fund**
 56 **created under section 57.282.**

57.282. 1. There is hereby created in the state treasury the “Sheriff Salary
 2 **Supplementation Fund**”, which shall consist of money collected from fees on civil cases
 3 **received by county sheriffs under subsection 5 of section 57.280. The money in the fund**
 4 **shall be used solely to supplement the salaries, and employee benefits resulting from such**
 5 **salary increases, of county sheriffs. The state treasurer shall be custodian of the fund and**
 6 **may approve disbursements from the fund in accordance with sections 30.170 and 30.180.**
 7 **The Peace Officer Standards and Training Commission established under section 590.120**
 8 **shall administer the fund.**

9 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys
 10 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
 11 **general revenue fund. The state treasurer shall invest moneys in the fund in the same**
 12 **manner as other funds are invested. Any interest and moneys earned on such investments**
 13 **shall be credited to the fund.**

57.317. 1. **Beginning January 1, 2015**, the county sheriff in any county, other than in
 2 a first classification chartered county, shall receive an annual salary, **paid by the county**
 3 **commission**, computed as set forth in the following schedule. The assessed valuation factor
 4 shall be the amount thereof as shown for the year next preceding the computation. The
 5 provisions of this section shall not permit or require a reduction in the amount of compensation
 6 being paid for the office of sheriff on January 1, [1997] **2013. The annual salary paid by the**
 7 **county commission and any supplemental funds received from the sheriff salary**
 8 **supplementation fund under section 57.282 shall total an amount no less than seventy**
 9 **percent of the amount of compensation of a full-time county prosecuting attorney, but shall**
 10 **not exceed one hundred percent of the amount of compensation of a full-time county**
 11 **prosecuting attorney.**

Assessed Valuation	Salary
13 \$18,000,000 to 40,999,999	\$36,000
14 41,000,000 to 53,999,999	37,000
15 54,000,000 to 65,999,999	38,000
16 66,000,000 to 85,999,999	39,000
17 86,000,000 to 99,999,999	40,000
18 100,000,000 to 130,999,999	42,000
19 131,000,000 to 159,999,999	44,000
20 160,000,000 to 189,999,999	45,000
21 190,000,000 to 249,999,999	46,000

22	250,000,000 to 299,999,999	48,000
23	300,000,000 to 449,999,999	50,000
24	450,000,000 to 599,999,999	52,000
25	600,000,000 to 749,999,999	54,000
26	750,000,000 to 899,999,999	56,000
27	900,000,000 to 1,049,999,999	58,000
28	1,050,000,000 to 1,199,999,999	60,000
29	1,200,000,000 to 1,349,999,999	62,000
30	1,350,000,000 and over	64,000

31 **2. In addition to the provisions in subsection 1 of this section, the annual salary of**
 32 **a county sheriff in a first class county or in a city not within a county paid by the county**
 33 **commission and any supplemental funds received from the sheriff salary supplementation**
 34 **fund under section 57.282 shall total an amount no less than ninety percent of the amount**
 35 **of compensation of a full-time county prosecuting attorney, but shall not exceed one**
 36 **hundred percent of the amount of compensation of a full-time county prosecuting attorney.**

37 **3.** Two thousand dollars of the salary authorized in this section shall be payable to the
 38 sheriff only if the sheriff has completed at least twenty hours of classroom instruction each
 39 calendar year relating to the operations of the sheriff's office when approved by a professional
 40 association of the county sheriffs of Missouri unless exempted from the training by the
 41 professional association. The professional association approving the program shall provide a
 42 certificate of completion to each sheriff who completes the training program and shall send a list
 43 of certified sheriffs to the treasurer of each county. Expenses incurred for attending the training
 44 session may be reimbursed to the county sheriff in the same manner as other expenses as may
 45 be appropriated for that purpose.

46 **[3.] 4.** The county sheriff in any county, other than a first classification charter county,
 47 shall not, except upon two-thirds vote of all the members of the salary commission, receive an
 48 annual compensation less than the total compensation being received for the office of county
 49 sheriff in the particular county for services rendered or performed on the date the salary
 50 commission votes.

143.782. As used in sections 143.782 to 143.788, unless the context clearly requires
 2 otherwise, the following terms shall mean and include:

3 (1) "Court", the supreme court, court of appeals, or any circuit court of the state;

4 (2) "Debt", any sum due and legally owed to any state agency which has accrued through
 5 contract, subrogation, tort, or operation of law regardless of whether there is an outstanding
 6 judgment for that sum, court costs as defined in section 488.010, fines and fees owed, or any
 7 support obligation which is being enforced by the division of family services on behalf of a

8 person who is receiving support enforcement services pursuant to section 454.425, or any claim
9 for unpaid health care services which is being enforced by the department of health and senior
10 services on behalf of a hospital or health care provider under section 143.790, **or any claim for**
11 **unpaid costs of imprisonment or unpaid medical services rendered while imprisoned which**
12 **is being enforced by the department of corrections on behalf of a county under section**
13 **143.793;**

14 (3) "Debtor", any individual, sole proprietorship, partnership, corporation or other legal
15 entity owing a debt;

16 (4) "Department", the department of revenue of the state of Missouri;

17 (5) "Refund", the Missouri income tax refund which the department determines to be due
18 any taxpayer pursuant to the provisions of this chapter. The amount of a refund shall not include
19 any senior citizens property tax credit provided by sections 135.010 to 135.035 unless such
20 refund is being offset for a delinquency or debt relating to individual income tax or a property
21 tax credit; and

22 (6) "State agency", any department, division, board, commission, office, or other agency
23 of the state of Missouri, including public community college districts and housing authorities as
24 defined in section 99.020.

143.793. 1. Any county which has incurred costs to support an individual while in
2 **jail who has failed to pay for such support as required by section 221.070 for a period**
3 **greater than ninety days may submit a claim to the director of the department of**
4 **corrections for the unpaid costs of support.**

5 **2. Any county which has provided or paid for medical services to an individual**
6 **while in jail who was not covered by a health insurance policy, or was not eligible to receive**
7 **benefits under the state's medical assistance program on behalf of needy persons under**
8 **chapter 208 at the time such medical services were administered, and has failed to pay for**
9 **such services as required by section 221.120 for a period greater than ninety days may**
10 **submit a claim to the director of the department of corrections for the unpaid costs of**
11 **services.**

12 **3. The director of the department of corrections shall review all claims submitted**
13 **under this section. If a claim appears meritorious on its face, the claim shall constitute a**
14 **debt of the department of corrections for purposes of sections 143.782 to 143.788, and the**
15 **director may certify the debt to the department of revenue to set off the debtor's income**
16 **tax refund. After the debt has been certified, the director of the department of corrections**
17 **shall submit the debt to the department of revenue under the setoff procedure established**
18 **under section 143.783.**

19 **4. At the time of certification, the director of the department of corrections shall**
20 **supply any information necessary to identify each debtor whose refund is sought to be set**
21 **off pursuant to section 143.784 and shall certify the amount of the debt or debts owed by**
22 **each such debtor.**

23 **5. If a debtor identified by the director of the department of corrections is**
24 **determined by the department of revenue to be entitled to a refund, the department of**
25 **revenue shall notify the department of corrections that a refund has been set off on behalf**
26 **of the department of corrections for purposes of this section and shall certify the amount**
27 **of such setoff, which shall not exceed the amount of the claimed debt certified. If the**
28 **refund owed exceeds the claimed debt, the department shall send the excess amount to the**
29 **debtor within a reasonable time after such excess is determined.**

30 **6. The department of revenue shall notify by certified mail the taxpayer whose**
31 **refund is sought to be set off that such setoff will be made. The notice shall contain the**
32 **provisions contained in subsection 3 of section 143.784, including the opportunity for a**
33 **hearing to contest the setoff provided therein, and shall otherwise substantially comply**
34 **with the provisions of subsection 3 of section 143.784.**

35 **7. After a debt has been set off and finally determined under the applicable**
36 **provisions of sections 143.782 to 143.788 and the department of corrections has received**
37 **the funds transferred from the department of revenue, the department of corrections shall**
38 **settle with each county for the amounts that the department of revenue set off for such**
39 **county. At the time of each settlement, each county shall be charged for administrative**
40 **expenses, which shall not exceed ten percent of the collected amount.**

41 **8. Lottery prize payouts made under section 313.321 shall also be subject to the**
42 **setoff procedures established in this section and any rules and regulations promulgated**
43 **thereto.**

44 **9. The director of the department of revenue shall have priority to offset any**
45 **delinquent tax owed to the state of Missouri. Any remaining refund shall be offset to pay**
46 **a state agency debt or to meet a child support obligation that is enforced by the division of**
47 **family services on behalf of a person who is receiving support enforcement services under**
48 **section 454.425.**

49 **10. The director of the department of revenue and the director of the department**
50 **of corrections shall promulgate rules and regulations necessary to administer the**
51 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
52 **536.010, that is created under the authority delegated in this section shall become effective**
53 **only if it complies with and is subject to all of the provisions of chapter 536 and, if**
54 **applicable, section 536.028. This section and chapter 536 are nonseverable and if any of**

55 the powers vested with the general assembly pursuant to chapter 536 to review, to delay
56 the effective date, or to disapprove and annul a rule are subsequently held
57 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
58 after August 28, 2013 shall be invalid and void.

221.102. 1. The sheriff of any county may establish and operate a canteen or
2 commissary in the county jail for the use and benefit of the inmates, prisoners, and
3 detainees.

4 2. Each county jail shall keep revenues received from the canteen or commissary
5 established and operated by the county jail in a separate account. The acquisition cost of
6 goods sold and other expenses shall be paid from this account. A minimum amount of
7 money necessary to meet cash flow needs and current operating expenses may be kept in
8 this account. The remaining funds from sales of each canteen or commissary shall be
9 deposited into the "Inmate Prisoner Detainee Security Fund" and shall be expended for
10 the purposes provided in subsection 3 of section 488.5026. The provisions of section 33.080
11 to the contrary notwithstanding, the money in the inmate prisoner detainee security fund
12 shall be retained for the purposes specified in section 488.5026 and shall not revert or be
13 transferred to general revenue.

221.105. 1. The governing body of any county and of any city not within a county shall
2 fix the amount to be expended for the cost of incarceration of prisoners confined in jails or
3 medium security institutions. The per diem cost of incarceration of these prisoners chargeable
4 by the law to the state shall be determined, subject to the review and approval of the department
5 of corrections.

6 2. When the final determination of any criminal prosecution shall be such as to render
7 the state liable for costs under existing laws, it shall be the duty of the sheriff to certify to the
8 clerk of the circuit court or court of common pleas in which the case was determined the total
9 number of days any prisoner who was a party in such case remained in the county jail. It shall
10 be the duty of the county commission to supply the cost per diem for county prisons to the clerk
11 of the circuit court on the first day of each year, and thereafter whenever the amount may be
12 changed. It shall then be the duty of the clerk of the court in which the case was determined to
13 include in the bill of cost against the state all fees which are properly chargeable to the state. In
14 any city not within a county it shall be the duty of the superintendent of any facility boarding
15 prisoners to certify to the chief executive officer of such city not within a county the total number
16 of days any prisoner who was a party in such case remained in such facility. It shall be the duty
17 of the superintendents of such facilities to supply the cost per diem to the chief executive officer
18 on the first day of each year, and thereafter whenever the amount may be changed. It shall be
19 the duty of the chief executive officer to bill the state all fees for boarding such prisoners which

20 are properly chargeable to the state. The chief executive may by notification to the department
21 of corrections delegate such responsibility to another duly sworn official of such city not within
22 a county. The clerk of the court of any city not within a county shall not include such fees in the
23 bill of costs chargeable to the state. The department of corrections shall revise its criminal cost
24 manual in accordance with this provision.

25 3. Except as provided under subsection 6 of section 217.718, the actual costs chargeable
26 to the state, including those incurred for a prisoner who is incarcerated in the county jail because
27 the prisoner's parole or probation has been revoked or because the prisoner has, or allegedly has,
28 violated any condition of the prisoner's parole or probation, and such parole or probation is a
29 consequence of a violation of a state statute, or the prisoner is a fugitive from the Missouri
30 department of corrections or otherwise held at the request of the Missouri department of
31 corrections regardless of whether or not a warrant has been issued shall be the actual cost of
32 incarceration not to exceed:

33 (1) Until July 1, 1996, seventeen dollars per day per prisoner;

34 (2) On and after July 1, 1996, twenty dollars per day per prisoner;

35 (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per day per
36 prisoner, subject to appropriations, but not less than the amount appropriated in the previous
37 fiscal year.

38 **4. All moneys received by a county or by a city not within a county from the state**
39 **for the cost of incarceration of prisoners confined in county jails shall be paid to the county**
40 **and credited to the budgeted operational cost of the county jail.**

221.123. As used in sections 221.123 to 221.127, the following terms mean:

2 **(1) "Debt", the amount owed to a county for:**

3 **(a) Unpaid costs of imprisonment as required by section 221.070; or**

4 **(b) Unpaid medical services as required by section 221.120;**

5 **(2) "License", a license, certificate, registration or authorization issued by a**
6 **licensing authority granting a person a right or privilege to engage in a business,**
7 **occupation, profession, recreation or other related privilege that is subject to suspension,**
8 **revocation, forfeiture or termination by the licensing authority prior to its date of**
9 **expiration. Licenses include licenses to operate motor vehicles pursuant to chapter 302,**
10 **but shall not include motor vehicle registrations pursuant to chapter 301;**

11 **(3) "Licensing authority", any department, division, board, agency or**
12 **instrumentality of this state or any political subdivision thereof that issues a license. Any**
13 **board or commission assigned to the division of professional registration is included in the**
14 **definition of licensing authority;**

15 (4) “Obligor”, an individual who owes unpaid costs of imprisonment or unpaid
16 medical services rendered while imprisoned.

221.125. 1. A court may issue an order suspending an obligor’s business,
2 professional or occupational license and order the obligor to refrain from engaging in a
3 licensed activity when the obligor has a debt owed to the county pursuant to sections
4 221.123 to 221.127 and owes an amount greater than two thousand five hundred dollars
5 as of the date of service of a notice of intent to suspend such license.

6 2. Upon the petition of a county alleging the existence of a debt owed to the county
7 as defined in section 221.123, a court may issue a notice of intent to suspend a license. The
8 notice of intent to suspend a license shall be served on the obligor personally or by certified
9 mail. The notice shall state that the obligor’s license shall be suspended sixty days after
10 service unless, within such time, the obligor:

11 (1) Pays the entire debt stated in the notice;

12 (2) Enters into and complies with a payment plan approved by the court or the
13 county; or

14 (3) Requests a hearing before the court.

15 3. Upon timely receipt of a request for hearing from an obligor, the court shall
16 schedule a hearing to determine whether suspension of the obligor’s license is appropriate.
17 The court shall stay suspension of the license pending the outcome of the hearing. If the
18 court, after hearing, determines that the obligor has failed to pay the debt alleged by the
19 county, the court shall issue an order suspending the obligor’s license and ordering the
20 obligor to refrain from engaging in the licensed activity.

21 4. The court shall send a copy of the order suspending a license to the licensing
22 authority and the obligor by certified mail.

23 5. Upon receipt of an order suspending a license, a licensing authority shall:

24 (1) Determine whether the licensing authority has issued a license to the obligor
25 whose name appears on the order;

26 (2) Enter the suspension as effective from the date of the order issued by the court;

27 (3) Issue the notice of the suspension to the licensee; and

28 (4) If required by law, demand surrender of the suspended license.

29 6. Notwithstanding any provision of law to the contrary, an order issued by a court
30 suspending a license shall be implemented by the licensing authority and continue until the
31 court advises the licensing authority that such suspension has been stayed or terminated.

32 7. An obligor who continues to engage in the business, occupation, profession or
33 other licensed activity while the license is suspended pursuant to this section is guilty of a
34 class A misdemeanor, unless a penalty is otherwise provided.

35 **8. If a court determines that a debt has been paid in full the court shall terminate**
36 **the order suspending the license and immediately send a copy of the order to the licensing**
37 **authority and the obligor by certified mail.**

221.127. 1. An obligor's law license is subject to suspension under the provisions
2 **of sections 221.123 to 221.127. The supreme court shall promulgate rules necessary for the**
3 **implementation and administration of said sections.**

4 **2. An obligor's hunting or fishing license is subject to suspension under the**
5 **provisions of sections 221.123 to 221.127. The department of conservation shall**
6 **promulgate rules necessary for the implementation and administration of said sections.**

7 **3. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
8 **created under the authority delegated in this section shall become effective only if it**
9 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
10 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
11 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
12 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
13 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2013**
14 **shall be invalid and void.**

313.321. 1. The money received by the Missouri state lottery commission from the sale
2 **of Missouri lottery tickets and from all other sources shall be deposited in the "State Lottery**
3 **Fund", which is hereby created in the state treasury. At least forty-five percent, in the aggregate,**
4 **of the money received from the sale of Missouri lottery tickets shall be appropriated to the**
5 **Missouri state lottery commission and shall be used to fund prizes to lottery players. Amounts**
6 **in the state lottery fund may be appropriated to the Missouri state lottery commission for**
7 **administration, advertising, promotion, and retailer compensation. The general assembly shall**
8 **appropriate remaining moneys not previously allocated from the state lottery fund by transferring**
9 **such moneys to the general revenue fund. The lottery commission shall make monthly transfers**
10 **of moneys not previously allocated from the state lottery fund to the general revenue fund as**
11 **provided by appropriation.**

12 **2. The commission may also purchase and hold title to any securities issued by the**
13 **United States government or its agencies and instrumentalities thereof that mature within the**
14 **term of the prize for funding multi-year payout prizes.**

15 **3. The "Missouri State Lottery Imprest Prize Fund" is hereby created. This fund is to be**
16 **established by the state treasurer and funded by warrants drawn by the office of administration**
17 **from the state lottery fund in amounts specified by the commission. The commission may write**
18 **checks and disburse moneys from this fund for the payment of lottery prizes only and for no**
19 **other purpose. All expenditures shall be made in accordance with rules and regulations**

20 established by the office of administration. Prize payments may also be made from the state
21 lottery fund. Prize payouts made pursuant to this section shall be subject to the provisions of
22 section 143.781; and prize payouts made pursuant to this section shall be subject to set off for
23 delinquent child support payments as assessed by a court of competent jurisdiction or pursuant
24 to section 454.410. Prize payouts made under this section shall be subject to set off for unpaid
25 health care services provided by hospitals and health care providers under the procedure
26 established in section 143.790. **Prize payouts made under this section shall be subject to set**
27 **off for unpaid costs of imprisonment or unpaid medical services rendered while imprisoned**
28 **provided by a county under the procedure established in section 143.793.**

29 4. Funds of the state lottery commission not currently needed for prize money,
30 administration costs, commissions and promotion costs shall be invested by the state treasurer
31 in interest-bearing investments in accordance with the investment powers of the state treasurer
32 contained in chapter 30. All interest earned by funds in the state lottery fund shall accrue to the
33 credit of that fund.

34 5. No state or local sales tax shall be imposed upon the sale of lottery tickets or shares
35 of the state lottery or on any prize awarded by the state lottery. No state income tax or local
36 earnings tax shall be imposed upon any lottery game prizes which accumulate to an amount of
37 less than six hundred dollars during a prize winner's tax year. The state of Missouri shall
38 withhold for state income tax purposes from a lottery game prize or periodic payment of six
39 hundred dollars or more an amount equal to four percent of the prize.

40 6. The director of revenue is authorized to enter into agreements with the lottery
41 commission, in conjunction with the various state agencies pursuant to sections 143.782 to
42 143.788, in an effort to satisfy outstanding debts to the state from the lottery winning of any
43 person entitled to receive lottery payments which are subject to federal withholding. The director
44 of revenue is also authorized to enter into agreements with the lottery commission in conjunction
45 with the department of health and senior services pursuant to section 143.790 in an effort to
46 satisfy outstanding debts owed to hospitals and health care providers for unpaid health care
47 services of any person entitled to receive lottery payments which are subject to federal
48 withholding. **The director of revenue is also authorized to enter into agreements with the**
49 **lottery commission in conjunction with the department of corrections pursuant to section**
50 **143.793 in an effort to satisfy outstanding debts owed to counties for unpaid costs of**
51 **imprisonment or unpaid medical services rendered while imprisoned of any person entitled**
52 **to receive lottery payments which are subject to federal withholding.**

53 7. In addition to the restrictions provided in section 313.260, no person, firm, or
54 corporation whose primary source of income is derived from the sale or rental of sexually
55 oriented publications or sexually oriented materials or property shall be licensed as a lottery

56 game retailer and any lottery game retailer license held by any such person, firm, or corporation
57 shall be revoked.

488.5320. 1. Sheriffs, county marshals or other officers shall be allowed a charge for
2 their services rendered in criminal cases and in all proceedings for contempt or attachment, as
3 required by law, the sum of seventy-five dollars for each felony case or contempt or attachment
4 proceeding, ten dollars for each misdemeanor case, and six dollars for each infraction,
5 [excluding] **including** cases disposed of by a traffic violations bureau established pursuant to law
6 or supreme court rule. Such charges shall be charged and collected in the manner provided by
7 sections 488.010 to 488.020 and shall be payable to the county treasury, **except that those**
8 **charges from cases disposed of by a traffic violations bureau shall be distributed as follows:**
9 **one-half of the charges collected shall be forwarded and deposited to the credit of the**
10 **Missouri data exchange (MODEX) fund established in subsection 5 of this section for the**
11 **operational cost of the MODEX system, and one-half of the charges collected shall be**
12 **deposited to the credit of the inmate prisoner detainee security fund, established in section**
13 **488.5026, of the county or municipal political subdivision from which the citation**
14 **originated. If the county or municipal political subdivision has not established an inmate**
15 **security fund, the funds shall be deposited in the MODEX fund.**

16 2. The sheriff receiving any charge pursuant to subsection 1 of this section shall
17 reimburse the sheriff of any other county or the city of St. Louis the sum of three dollars for each
18 pleading, writ, summons, order of court or other document served in connection with the case
19 or proceeding by the sheriff of the other county or city, and return made thereof, to the maximum
20 amount of the total charge received pursuant to subsection 1 of this section.

21 3. The charges provided in subsection 1 of this section shall be taxed as other costs in
22 criminal proceedings immediately upon a plea of guilty or a finding of guilt of any defendant in
23 any criminal procedure. The clerk shall tax all the costs in the case against such defendant,
24 which shall be collected and disbursed as provided by sections 488.010 to 488.020; provided,
25 that no such charge shall be collected in any proceeding in any court when the proceeding or the
26 defendant has been dismissed by the court; provided further, that all costs, incident to the issuing
27 and serving of writs of scire facias and of writs of fieri facias, and of attachments for witnesses
28 of defendant, shall in no case be paid by the state, but such costs incurred under writs of fieri
29 facias and scire facias shall be paid by the defendant and such defendant's sureties, and costs for
30 attachments for witnesses shall be paid by such witnesses.

31 4. Mileage shall be reimbursed to sheriffs, county marshals and guards for all services
32 rendered pursuant to this section at the rate prescribed by the Internal Revenue Service for
33 allowable expenses for motor vehicle use expressed as an amount per mile.

34 **5. There is hereby created in the state treasury the "MODEX Fund", which shall**
35 **consist of money collected under subsection 1 of this section. The fund shall be**
36 **administered by the peace officers standards and training commission established in**
37 **section 590.120. The state treasurer shall be custodian of the fund. In accordance with**
38 **sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall**
39 **be a dedicated fund and, upon appropriation, money in the fund shall be used solely for**
40 **the operational support and expansion of the MODEX system.**

41 **6. Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
42 **remaining in the fund at the end of the biennium shall not revert to the credit of the**
43 **general revenue fund.**

44 **7. The state treasurer shall invest moneys in the fund in the same manner as other**
45 **funds are invested. Any interest and moneys earned on such investments shall be credited**
46 **to the fund.**

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